

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**(1) ROBERT LEE MOORE, JR.,  
(2) JACQUELYNN AYERS,  
(3) BREON KATRELL SMITH,  
(4) MICHAELA DE'JON LEWIS,**

**Plaintiffs,**

**v.**

**Case No. CIV-22-1025-R**

**(1) OKYLP OKLAHOMA YOUTH  
LITERACY PROGRAM, INC.  
a/k/a OKLAHOMA YOUTH  
LITERACY PROGRAM I, an  
Oklahoma domestic not-for-  
profit corporation,  
(2) IMPACT ATHLETICS, INC., an  
Oklahoma domestic not-for-  
profit corporation,  
(3) GINA DARBY, an individual,  
(4) MILEN DARBY, Sr., an  
individual, and  
(5) ROSIE ANDERSON, an  
individual,**

**Defendants.**

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO DISMISS**

Defendants, OKYLP Oklahoma Youth Literacy Program, Inc. a/k/a Oklahoma Youth Literacy Program I, an Oklahoma domestic not-for-profit corporation, Impact Athletics, Inc., an Oklahoma domestic not-for-profit corporation, Gina Darby, an

individual, Milen Darby, Sr., an individual, and Rosie Anderson, an individual (collectively referred to as “Defendants”), by and through their undersigned counsel, hereby submit their Response to Plaintiffs’ Motion for Order of Dismissal. [Dkt. No. 14.] In doing so, Defendants advise this Court that they consent to the dismissal of all of Plaintiffs’ claims against all Defendants without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

WHEREFORE, Defendants ask that this Court enter an Order dismissing Plaintiffs’ claims against Defendants without prejudice.

Respectfully submitted,

By:

*s/ Lindsay N. Kistler*

Lindsay N. Kistler, OBA #32814

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**ATTORNEY FOR DEFENDANTS**

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of July, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

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*s/ Lindsay N. Kistler*

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